

REQUEST FOR EXAMINER ACTION

Withdraw the prior requirement.

Review the enclosed newly amended, and most current set of claims 1 - 55 (PRELIMINART AMENDMENT B) for plurality under international PCT unity of invention criteria as set forth in 37 CFR 1.475 and 1.499.

If deemed necessary by the Examiner, issue a new requirement basis U.S.C. 371 with a one month period for response prior to any ~~action~~ on the merits.

MAY - 7 1998

MATHIX CUSTOMER
SERVICE CENTER

OVERVIEW OF REQUEST & REMARKS

1. REQUEST FOR EXAMINER ACTION
2. TRAVERSE OF RESTRICTION REQUIREMENT
3. ERRORS IN EXAMINER ACTION
4. APPLICANT PROVISIONAL ELECTION OF SPECIES

Attached

5. "NOTICE OF ACCEPTANCE OF APPLICATION
UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" FORM
PCT/DO/EO/903 dated 18 March 1997.

Enclosed

6. "PRELIMINARY AMENDMENT B" COM April 23, 1998

TRAVERSE OF RESTRICTION REQUIREMENT

This application is a proper national stage PCT international application under U.S.C. 371(c). Attached is the above (5.) FORM PCT/DO/EO/903 which I certify to be a true copy of the original.

b

Issues regarding plural inventions are to be addressed under international "unity of invention." A "corresponding technical relationship", rather than "independence and distinctness" is here at issue. As such, U.S.C. 121 is not applicable in this case.

ERRORS IN EXAMINER ACTION

In addition to the above, it is unclear which claims are being addressed in the requirement. Claims 1 - 90 are cited, but the subject matter latter addressed is more indicative of a later set of amended claims 1 - 54.

Nor is it certain which set of claims belong to which restricted group, as the requirement fails to identify the claims by number.

The requirement also fails to cite features, or reasoning in support of allegations of plurality.

APPLICANT PROVISIONAL ELECTION OF SPECIES

Claims directed to medical uses/treatment of infectious disease (a.).

Respectfully,



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Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner of Patents and Trademarks, Washington, DC 20231" on April 23, 1998.

 4/23/98

Jeff J. Staggs, Applicant

Date